IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No.5263 of 2006
Date of Decision: 9.10.2006

Budh Singh & Ors. ...Petitioners

Vs.

Ranjit Singh ...Respondent

CORAM Hon'ble Mr.Justice Vinod K.Sharma

Present: Mr.Jitender Singh Dadwal, Advocate,
for the petitioners.

Vinod K.Sharma, J. (Oral)

Present revision petition has been filed against the orders passed by the courts below ordering ejectment of the petitioners by holding the building to be unfit and unsafe for human habitation.

Learned counsel for the petitioners contends that in the absence of notice under Section 106 of the Transfer of Property Act no petition under Section 13 of the East Punjab Urban Rent Restriction Act (for short the Act) was maintainable. This contention of the learned counsel for the petitioners is totally misconceived as there is no requirement of service of notice under section 106 of the Transfer of Property Act in a case for eviction filed under Section 13 of the Act.

Learned courts below on appreciation of evidence have come to the conclusion that the building is unfit and unsafe for human habitation. They have taken note of the fact that the Municipal Committee had also

issued a notice to the respondent-landlord for demolition of the building being unsafe and unfit. The contention of the learned counsel for the petitioners is that the findings recorded by the courts below cannot be sustained as expert witness was produced by the landlord petitioner as his witness. This contention is also misconceived. Learned courts below on appreciation of evidence on record have rightly come to the conclusion that the building was unfit and unsafe for human habitation.

No ground is made out for interference in the impugned orders passed by the courts below.

Dismissed.

(Vinod K.Sharma)
Judge

9.10.2006
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